



STATE OF WASHINGTON  
WASHINGTON STATE BOARD OF HEALTH

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**Report to the Board – July 12, 2006**  
**Summary of Comments Received on**  
**Proposed Chapter 246-500 WAC, Handling of Human Remains**  
**Since Filing of CR-102 on June 7, 2006**

Issue	Comment	Board Staff Recommendation
WAC 246-500-010(9) Definition of “human remains”	Clarify definition of human remains to exempt historical remains.	Change WAC 246-500-010(9) to read: <i>“‘Human remains’ or ‘remains’ means the body of a deceased person, in any stage of decomposition, and includes cremated human remains, but excludes archaeological resources under chapter 27.53 RCW.”</i>
WAC 246-500-010(13) Definition of “refrigerate”	1. Include use of sealed ice packs in the definition of refrigerate applicable outside of a funeral establishment to allow use during the shipment of human remains.  2. Include use of dry ice in the definition of refrigerate applicable to both inside and outside a funeral establishment.	1. Change WAC 246-500-010(13)(b) to read: <i>“...Placing in a mechanically cooled unit maintained at a maximum temperature of 48°F or packing with dry ice or leak-resistant sealed ice packs outside of a funeral establishment.”</i> 2. See above. Do not change WAC 246-500-010(13)(a) to add dry ice to be applicable in a funeral establishment. The language in the proposal is consistent with requirements of the Board of Funeral Directors and Embalmers under WAC 308-48-031.
WAC 246-500-030(1) Human remains must be embalmed or refrigerated upon receipt at a funeral establishment.	This requirement is too restrictive. Funeral establishments in rural areas have limited capacity for refrigerating human remains. Rural communities lack morgue facilities and rely on funeral establishments for storage of human remains under coroner jurisdiction. Transport of human remains to facilities out of the area would be costly.	Change WAC 246-500-030 by adding a new subsection (4) to read: <i>“Nothing in this section restricts the authority of a coroner or medical examiner when human remains are under his or her jurisdiction in accordance with RCW 68.50.010.”</i>
WAC 246-500-030(2)(e) Waiver to RCW 18.39.215 to allow delay or removal of unembalmed human remains from refrigeration for up to 24 hours in a funeral establishment.	1. Allow a longer period of time, up to 72 hours, for families to prepare and attend to unrefrigerated human remains in a funeral establishment.	1. No change. The 24-hour provision is a compromise. It does not stray too far from RCW 18.39.215(2)(a), but it does allow for known religious and cultural traditions, while also recognizing there is some increased potential public health risk due to increasing leakage of fluids from a body left unrefrigerated beyond 24 hours.

	<p>2. Change the waiver to a maximum of 24 hours after receipt of the human remains by the funeral establishment. [Count the time under refrigeration after funeral establishment receives body in the total designated time period.] Health threats increase for staff and the public proportional to time after death. Embalming increases the safety to those handling human remains. If a time period of more than 24 hours after the funeral establishment has received the remains is needed, it should be allowed only for religious practices. In such cases, the local health department could issue a special waiver.</p> <p>3. Minimize requirements for restrictive barrier precautions for family members handling the deceased in a funeral establishment.</p>	<p>2. No change. The provisions in the proposal are a compromise to allow for religious beliefs, while presenting minimal health risk. Board staff received comments during rule draft development of the need for members of some religious communities to be able to have a deceased person removed from refrigeration for religious and cultural practices after more than a day held under refrigeration. This was because no handling of a deceased person was allowed on the Sabbath according to their religion. Many people have religious beliefs against embalming. The proposed rule provisions minimize the burden to local health officers to issue special waivers.</p> <p>3. No change. The rule proposal would require that barrier precautions be used when handling human remains in a funeral establishment only when exposure to blood, body fluids, and internal tissues [from injuries, autopsy, or medical procedure] would be likely. The proposal would not require use of barrier precautions for contact only with intact skin.</p>
<p>WAC 246-500-030(2)(f) Local health officers are given authority to allow other provisions for the waiver of refrigeration requirements of human remains after evaluating specific circumstances, the need to protect public health, and religious beliefs.</p>	<p>1. Include coroners and medical examiners, along with health officers, in the provisions designating which officials may authorize special waivers for the handling of unembalmed, unrefrigerated remains, based on an evaluation of circumstances, including the need to protect public health.</p> <p>2. Do not limit waiver to religious tradition.</p>	<p>1. No change. Local health officers are provided special authority to determine public health needs of their communities under RCW 70.05.070.</p> <p>2. No change. The proposed rule would not limit the standard 24-hour waiver from refrigeration to fit a traditional religion. The rule includes religious tradition as an element to be considered, but not a requirement, for a local health officer to issue a waiver beyond 24 hours.</p>
<p>WAC 246-500-030(3) Local health officers may restrict the waiver provisions for delay or removal of human remains from refrigeration if they determine the waiver could pose a direct threat to public health.</p>	<p>Include coroners and medical examiners, along with health officers, for restricting the use of the waiver by funeral establishments.</p>	<p>No change. Local health officers are provided special authority to determine public health needs of their communities under RCW 70.05.070.</p>
<p>WAC 246-500-040(1)(b) In order to transport human remains, a person must obtain a burial transit-permit from the local health officer or local registrar of vital statistics.</p>	<p>Add coroners and medical examiners to the list of officials who may issue a burial-transit permit.</p>	<p>No change. The authority for issuance of burial-transit permits is limited under chapter 70.58 RCW to local health officers, their designees, and local registrars appointed by the state registrar of vital statistics.</p>

